67-4117

28 August 1967

MEMORANDUM FOR: Acting General Counsel

SUBJECT : Freedom of Information Act

1. Attached is some material on the Freedom of Information Act which I received last Friday at the Executive Officers Group meeting at the Bureau of the Budget. I have not read the pamphlet or the court decision.

2. Mr. Frank Wozencraft had a very good presentation on P.L. 89-487. The specific points which I noted and of which you are probably already aware are:

a. Any individual has the right to request a document regardless of whether he is affiliated with any particular organization.

b. The burden of proof for denying a document is on the agency.

c. Anyone can go into court to seek an injunction against an agency for denying a document. Mr. Wozencraft thought that the Barceloneta case, which was the first test of the law, was very favorable and stressed that, regardless of the technicalities of the law, it is extremely important for an agency to determine whether it is in the public interest to release a document. (In this connection, several agencies have apparently talked to the Justice Department about issuing a new Executive Order to supplement or possibly replace E.O. 10501. According to Mr. Wozencraft a new draft has actually been circulated and is now being held in abeyance. I wonder whether you have seen this draft and how it looks from our point of view.)

d. An agency is perfectly within its rights to charge the requestor for the research necessary to find the document as

well as for the cost of making copies. He readily agreed, however, that there is little incentive for an agency to do this, since the money must be turned over to the Treasury.

     e. His last point, with which I was impressed, was that there is nothing in the law which requires an agency to create a document.

/s/ L. K. White

L. K. White
Executive Director-Comptroller

Attachment

cc: **Assistant to the Director**

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